

## CHAPTER 35B

### COUNTY COMMISSIONS OF VETERAN AFFAIRS

[P]

This chapter not enacted as a part of this title; transferred from chapter 250 in Code 1993  
See §218.95 for provisions pertaining to construction of synonymous terms

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#### 35B.1 Definitions.

As used in this chapter, unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

#### 35B.2 Reserved.

#### 35B.3 County commission of veteran affairs.

The county commission of veteran affairs shall consist of either three or five persons, as determined by the board of supervisors, all of whom shall be veterans as defined in section 35.1. If possible, each member of the commission shall be a veteran of a different military action. However, this qualification does not preclude membership to a veteran who served in more than one of the military actions.

[C97, §431; C24, 27, 31, 35, §5387; C39, §3828.053; C46, 50, 54, §250.3; C58, 62, 66, 71, 73, 75, 77, 79, 81, §250.3, 250.21; S81, §250.3; 81 Acts, ch 33, §3]

85 Acts, ch 67, §26; 88 Acts, ch 1082, §1; 91 Acts, ch 199, §1

C93, §35B.3

94 Acts, ch 1007, §1; 99 Acts, ch 180, §6

#### 35B.4 Appointment — vacancies.

Members of the commission of veteran affairs shall be appointed by the board of supervisors to staggered three-year terms at the regular meeting in June. However, a member shall serve until a successor has been appointed and qualifies. The board may remove an appointee at any time for neglect of duty or maladministration. A vacancy on the commission shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.

If the board of supervisors increases the commission of veteran affairs membership to five members, the initial terms of the two new members shall be two and three years respectively. However, the new members shall serve until their successors are appointed and qualify.

[C97, §431; C24, 27, 31, 35, §5388; C39, §3828.054; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.4]

C93, §35B.4

94 Acts, ch 1007, §2

**35B.5 Compensation.**

A member of the commission shall receive twenty-five dollars or a greater amount as established by the board of supervisors for each month during which the member attends one or more commission meetings and shall be reimbursed for mileage the same as a member of the board of supervisors. Compensation and mileage shall be paid out of the appropriation authorized in section 35B.14.

[C27, 31, 35, §5388-b1; C39, §3828.055; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.5; 81 Acts, ch 33, §4, ch 117, §1034]

83 Acts, ch 123, §97, 209

C93, §35B.5

2005 Acts, ch 115, §16, 40

[P] Mileage, §331.215

**35B.6 Qualification — training — offices.**

1. a. The members of the commission shall qualify by taking the usual oath of office, and give bond in the sum of five hundred dollars each, conditioned for the faithful discharge of their duties with sureties to be approved by the county auditor. The commission shall organize by the selection of one of their members as chairperson and one as secretary. The commission, subject to the approval of the board of supervisors, shall employ an executive director or administrator and shall have the power to employ other necessary employees when needed, including administrative or clerical assistants, but no member of the commission shall be so employed. The compensation of such employees shall be fixed by the board of supervisors. The executive director must possess the same qualifications as provided in section 35B.3 for commission members. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

b. The commission may employ an administrator in lieu of an executive director. Administrators shall not be required to meet all the qualifications provided in section 35B.3 for commissioners. An administrator may hold another position within the county or other government entity while serving as an administrator only if such position does not adversely affect the administrator's duties under this chapter.

c. Upon the employment of an executive director or administrator, the executive director or administrator shall complete a course of certification training provided by the department of veterans affairs pursuant to section 35A.5. If an executive director or administrator fails to obtain certification within one year of being employed, the executive director or administrator shall be removed from office. A commissioner or other commission employee may also complete the course of certification training. The department shall issue the executive director, administrator, commissioner, or employee a certificate of training after completion of the certification training course. To maintain certification, the executive director, administrator, commissioner, or employee shall satisfy the continuing education requirements established by the national association of county veteran service officers. Failure of an executive director or administrator to maintain certification shall be cause for removal from office. The expenses of training the executive director or administrator shall be paid from the appropriation authorized in section 35B.14.

d. The duties of the executive director, administrator, and employees shall include all of the following:

(1) Inform members of the armed forces, veterans, and their dependents of all federal, state, and local laws enacted for their benefit.

(2) Assist all residents of the state who served in the armed forces of the United States and their relatives, beneficiaries, and dependents in receiving from the United States and this state any and all compensation, pensions, hospitalization, insurance, education, employment pay and gratuities, loan guarantees, or any other aid or benefit to which they may be entitled under any law.

e. The department of veterans affairs or county veteran affairs offices shall not charge for any service provided to any individual.

2. Two or more boards of supervisors may agree, pursuant to chapter 28E, to share the services of an executive director or administrator. The agreement shall provide for the

establishment of a commission of veteran affairs office in each of the counties participating in the agreement.

3. The commission with the approval of the board of supervisors shall appoint one of the deputies of the county auditor to serve as administrative assistant to the commission, to serve without additional compensation, unless for good reasons shown, this arrangement is not feasible.

4. a. Each county commission of veteran affairs shall maintain an office in a building owned, operated, or leased by the county.

b. An executive director or administrator employed pursuant to subsection 1 shall provide veterans services for the following minimum number of hours each week:

(1) For a county with a population of thirty thousand or less, no fewer than twenty hours per week.

(2) For a county with a population of more than thirty thousand and less than sixty thousand, no fewer than thirty hours per week.

(3) For a county with a population of sixty thousand or more, no fewer than forty hours per week.

c. Counties sharing the services of an executive director or administrator shall provide the number of hours of service required under paragraph "b" for each county.

d. The hours that the office established under paragraph "a" is open shall be posted in a prominent position outside the office.

[C97, §431; C24, 27, 31, 35, §5389; C39, §3828.056; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.6; 81 Acts, ch 33, §5]

89 Acts, ch 248, §1; 92 Acts, ch 1075, §2

C93, §35B.6

94 Acts, ch 1107, §4; 2005 Acts, ch 115, §17, 40; 2008 Acts, ch 1130, §4 – 6, 10; 2009 Acts, ch 4, §2; 2009 Acts, ch 133, §188

[P] Oath, §63.10

### **35B.7 Meetings — report — budget.**

The commission shall meet monthly and at other times as necessary. At the monthly meeting it shall determine who are entitled to benefits and the probable amount required to be expended. The commission shall meet annually to prepare an estimated budget for all expenditures to be made in the next fiscal year and certify the budget to the board of supervisors. The board may approve or reduce the budget for valid reasons shown and entered of record and the board's decision is final.

[C97, §432; S13, §432; C24, 27, 31, 35, §5390; C39, §3828.057; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.7; 81 Acts, ch 33, §6]

C93, §35B.7

### **35B.8 Accounting system.**

The state auditor shall prepare sample copies of a system of accounting and case records for the use of all county commissions of veteran affairs and this uniform system of accounting and case records shall be used by the several counties.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.8]

C93, §35B.8

### **35B.9 Names certified — benefits changed.**

At each regular meeting the commission shall submit to the board of supervisors a certified list of those persons to whom benefits have been authorized and the amounts so awarded. The amount awarded to any person may be increased, decreased, or discontinued by the commission at any meeting. New names may be added and certified thereat.

[C97, §432; S13, §432; C24, 27, 31, 35, §5391; C39, §3828.058; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.9]

C93, §35B.9

**35B.10 Disbursements — inspection of records.**

All claims certified by the commission shall be reviewed by the board of supervisors and the county auditor shall issue warrants in payment of the claims. All applications, investigation reports, and case records are privileged communications and shall be held confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and the administration of this chapter. However, the county commission of veteran affairs shall prepare and file in the office of the county auditor on or before the thirtieth day of each January, April, July, and October a report showing the case numbers of all recipients receiving assistance under this chapter, together with the amount paid to each during the preceding quarter. Each report so filed shall be securely fixed in a record book to be used only for such reports made under this chapter.

The record book shall be and the same is hereby declared to be a public record, open to public inspection at all times during the regular office hours of the county auditor. Each person who desires to examine said records, other than in pursuance of official duties as hereinbefore provided, shall sign a written request to examine the same, which shall contain an agreement on the part of the signer that the signer will not utilize any information gained therefrom for commercial or political purposes.

It shall be unlawful for any person, body, association, firm, corporation or any other agency to solicit, disclose, receive, make use of or to authorize, knowingly permit, participate in or acquiesce in the use of any lists, names or other information obtained from the reports above provided for, for commercial or political purposes, and a violation of this provision shall constitute a serious misdemeanor.

[C97, §432; S13, §432; C24, 27, 31, 35, §5392; C39, §3828.059; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.10; 81 Acts, ch 33, §7]

83 Acts, ch 123, §98, 209

C93, §35B.10

99 Acts, ch 180, §7

**35B.11 Data furnished Iowa department of veterans affairs.**

The commission of veteran affairs of each county shall provide information to the department of veterans affairs as the department may request.

[C27, 31, 35, §5392-b1; C39, §3828.060; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.11; 81 Acts, ch 33, §8]

92 Acts, ch 1140, §35

C93, §35B.11

2005 Acts, ch 115, §18, 40

**35B.12 Benefit information confidential.**

It shall be unlawful for any county board of supervisors or any county commission of veteran affairs to place the administration of the duties of the county commission of veteran affairs under any other agency of any county, or to publish the names of the veterans or their families who receive benefits under the provisions of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.12]

C93, §35B.12

**35B.13 Burial — expenses.**

The commission is responsible for the interment in a suitable cemetery of the body of any veteran, as defined in section 35.1, or the spouse, surviving spouse, or child of the person, if the person has died without leaving sufficient means to defray the funeral expenses. The commission may pay the expenses in a sum not exceeding an amount established by the board of supervisors.

[C97, §433; S13, §433; C24, 27, 31, 35, §5393; C39, §3828.061; C46, 50, 54, §250.13; C58, 62, 66, 71, 73, 75, 77, 79, 81, §250.13, 250.21; S81, §250.13; 81 Acts, ch 33, §9]

85 Acts, ch 67, §27; 88 Acts, ch 1082, §2; 91 Acts, ch 199, §2

C93, §35B.13  
99 Acts, ch 180, §8

#### **35B.14 County appropriation.**

1. The board of supervisors of each county may appropriate moneys for training an executive director or administrator as provided in section 35B.6, and for the expenses for food, clothing, shelter, utilities, medical benefits, and a funeral for indigent veterans, as defined in section 35.1, as well as for their indigent spouses, surviving spouses, and minor children not over eighteen years of age, who legally reside in the county.

2. The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

83 Acts, ch 123, §99, 209

CS83, §250.14

85 Acts, ch 67, §28; 88 Acts, ch 1082, §3; 91 Acts, ch 1, §1; 91 Acts, ch 199, §3

C93, §35B.14

99 Acts, ch 180, §9; 2008 Acts, ch 1130, §7, 10; 2009 Acts, ch 133, §189

#### **35B.15 Expenses and audit.**

Burial expenses shall be paid by the county in which the person died. If the person is a resident of a different county at the time of death, the latter county shall reimburse the county where the person died for the cost of burial. In either case, the board of supervisors of the respective counties shall audit and pay the account from the funds provided for in this chapter in the manner as other claims are audited and paid.

[C97, §434; C24, 27, 31, 35, §5395; C39, §3828.063; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.15; 81 Acts, ch 33, §10]

C93, §35B.15

#### **35B.16 Markers for graves.**

The county commission of veteran affairs may furnish a suitable and appropriate metal marker for the grave of each veteran, as defined in section 35.1, who is buried within the limits of the county. The marker shall be placed at the individual's grave to permanently mark and designate the grave for memorial purposes. The expenses shall be paid from any funds raised as provided in this chapter.

[SS15, §434-a; C24, 27, 31, 35, §5396; C39, §3828.064; C46, 50, 54, §250.16; C58, 62, 66, 71, 73, 75, 79, 81, §250.16, 250.21; S81, §250.16; 81 Acts, ch 33, §11]

85 Acts, ch 67, §29; 86 Acts, ch 1237, §13; 88 Acts, ch 1082, §4; 91 Acts, ch 199, §4

C93, §35B.16

99 Acts, ch 180, §10

#### **35B.16A Veterans' grave markers.**

A person commits a simple misdemeanor when the person takes possession or control of a veteran's grave marker which was provided pursuant to section 35B.16, with the intention to deprive the owner of the marker, regardless of the value of the marker. The person shall also be liable for reimbursement in an amount equal to three times the cost of the marker to be paid to the county commission of veteran affairs or other person who furnished the marker.

89 Acts, ch 47, §1

CS89, §714.7A

94 Acts, ch 1142, §4; 2006 Acts, ch 1107, §3

C2007, §35B.16A

[P] See also §37A.1

#### **35B.17 Maintenance of graves.**

The county boards of supervisors shall each year appropriate and pay to the owners of, or to the public board or officers having control of cemeteries within the state in which any such deceased service person is buried, a sum sufficient to pay for the care and maintenance of the lots on which they are buried in all cases in which provision for such care is not otherwise

made, or may conclude their responsibility by paying a mutually agreed to fee for perpetual care when the cemetery authority has established a perpetual care fund for the cemetery, to be paid either as a lump sum, or in not to exceed five installments in a manner agreed to by the parties.

[C27, 31, 35, §5396-a1; C39, **§3828.065**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.17]  
83 Acts, ch 123, §100, 209; 85 Acts, ch 67, §30; 91 Acts, ch 188, §1  
C93, §35B.17

### **35B.18 Payment — how made.**

Such payment shall be made at the rate charged for like care and maintenance of other lots of similar size in the same cemetery, upon the affidavit of the superintendent or other person in charge of such cemetery, that the same has not been otherwise paid or provided for.

[C27, 31, 35, §5396-a2; C39, **§3828.066**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.18]  
C93, §35B.18

### **35B.19 Burial records.**

The county commission of veteran affairs shall be charged with securing the information requested by the department of veterans affairs of every person having a military service record and buried in that county. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by the undertaker to the commission of veteran affairs of the county where burial is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried. This recording shall conform to the directives of the department of veterans affairs and shall be kept in a book by the county commission.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.19]  
92 Acts, ch 1140, §36  
C93, §35B.19  
2005 Acts, ch 115, §19, 40